

REMARKS

While Applicants respectfully submit that claims 22 and 36 are patentable prior to this Amendment, Applicants nevertheless have amended claims 22 and 36 to more distinctly indicate that the body portion of the barrel includes flexible flanges for forming a temporary locking engagement. Claim 36 has further been amended to correct an obvious typographical error, replacing “blocking” with “locking”. Applicants have added new claims 49 and 50 indicating that the body portion of the barrel further includes a collar from which the flanges extend. Support for the amendment may be found, for instance, in Figures 4, 5A and 5B, and in paragraphs 0047 and 0048 of the published application. Claims 51 and 52 have been added to further indicate that the flexible flanges are designed to move radially outward and inward. Support for claims 51 and 52 is found in paragraph 0049 of the published application. Applicants respectfully submit that no new matter is introduced by way of this Amendment.

Claims 22-27 and 36-41 were rejected in the Office Action mailed on October 30, 2007. Applicants respectfully request reconsideration.

Claims 22 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brizzolara (US 5,236,355) in view of Kozam (US 4,575,375). Applicants respectfully traverse.

The Office Action admits that Brizzolara fails to show a tip configured for being deformed or a body portion including includes flexible flanges for forming a temporary locking engagement with at least a portion of an external force applying member. The Office Action indicates that Kozam teaches an apparatus that includes a body portion including flexible flanges (52) for locking engagement with a portion of an external force applying member. Applicants respectfully disagree with this characterization of Kozam.

Kozam discloses an apparatus for dispensing a medication that includes an active medication and a water-soluble carrying agent. Preferably the medication is in the form of a gel. The apparatus includes a housing, a tube containing the gel within the housing, a nozzle for delivering the medication from the tube contained within the housing and, in essence, a means for connecting the nozzle to the housing, i.e. a coupling member. Two different embodiments of such an apparatus are disclosed in Figures 1 and 4, respectively.

In Figure 1 and as described at Col. 4, lines 23-38, the apparatus includes a housing which contains the medication and the force applying member contained therein, a nozzle for delivering the medication, and a coupling member for connecting the nozzle to the housing, each

independent of the other. The coupling member includes a groove (52), not a flange, while the nozzle includes a flange (60) for removable attachment of the nozzle to the coupling member, not the force applying member. In Figure 4 and as described at col. 7, lines 10-35, the nozzle and coupling member are molded as a single unit from a rigid plastic.

Applicants respectfully submit that Kozam fails to disclose or suggest that one could or should utilize a flexible flange construction as claimed by Applicants to attach the barrel portion containing the medication directly to the force applying member. In fact, Applicants respectfully submit that Kozam clearly teaches away from such a construction and such a construction would render Kozam inoperable for its intended use. The coupling member in both embodiments of Kozam is mounted to the dispenser device, i.e. the force applying member, by screw attachment of internal-threading in the coupling member to the threaded end of the tube contained within the housing. The coupling member must be rigid, not flexible, in order to be threaded internally and further in order to provide a secure fit to the tube. As such, Applicants respectfully submit that Kozam cannot teach an apparatus having a body portion including a flexible flange for providing a temporary locking engagement with at least a portion of a force applying member. Based on the foregoing, Applicants respectfully submit that claims 22 and 36 are patentable under 35 U.S.C. 103(a) over Brizzolara in view of Kozam and request that the rejection be withdrawn.

Claims 23-26 and 37-40 are rejected under 35 U.S.C. 103(a) over Brizzolara in view of Kozam and further in view of Discko, Jr. (US 5,129,825). Applicants respectfully traverse.

Initially, Applicants reiterate each argument with respect to the combination of Brizzolara and Kozam as it relates to claims 23-26 and 37-40 and respectfully submit that claims 23-26 and 37-40 are patentable on that basis alone. As Discko fails to cure the deficiencies of the rejection of claims 22 and 36, Applicants respectfully submit that claims 22-26 and 37-40 are patentable under 35 U.S.C. 103(a) over Brizzolara in view of Kozam and further in view of Discko and request that the rejection be withdrawn.

Claims 27 and 41 are rejected under 35 U.S.C. 103(a) over Brizzolara in view of Kozam and Discko and further in view of Haber (US 5,112,307). Applicants respectfully traverse.

Initially, Applicants reiterate each argument with respect to the combination of Brizzolara and Kozam and Discko as it relates to claims 27 and 41 and respectfully submit that claims 27 and 41 are patentable on that basis alone. As Haber fails to cure the deficiencies of

Serial No. 10/763,632

the rejection of claims 22-26 and 36-40, Applicants respectfully submit that claims 27 and 41 are patentable under 35 U.S.C. 103(a) over Brizzolara in view of Kozam and further in view of Disko and request that the rejection be withdrawn.

Based on all of the foregoing, Applicants respectfully submit that claims 22-26, 36-41 and added claims 49-52 are patentable and earnestly request a notice of allowance to that affect.

Respectfully submitted,

By: **/William K. Wissing/**
William K. Wissing
Reg. No. 34,757

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-6201
Dated: January 31, 2008